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SUGHRUE MION ZINN MACPEAK & SEAS
2100 PENNSYLVANIA AVENUE, N W
WASHINGTON, DC 20037-3213

In re Application of
AGARWAL et al.
Application No.: 09/529,773
PCT No.: PCT/US98/21632
Int. Filing Date: 20 October 1998
Priority Date: 20 October 1997
Attorney Docket No.: A7046
For: A METHOD FOR UPLINK POWER
CONTROL FOR DISTRIBUTED SATELLITE
NETWORKS TO COMPENSATE FOR
RAIN FADE

DECISION ON PETITION

UNDER 37 CFR 1.181

This is a decision on applicants' "Request for Withdrawal of Abandonment" filed on 08 March 2001 in the United States Patent and Trademark Office (USPTO) in the above referenced application and treated as a petition under 37 CFR 1.181. No petition fee is required. This is also in response to applicants' status inquiry filed on 28 June 2001.

BACKGROUND

On 30 May 2000, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period were required.

On 23 February 2001, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed to applicants indicating that applicants had failed to respond to said Notification of Missing Requirements.

On 08 March 2001, applicants submitted the instant petition treated as a petition under 37 CFR 1.181 with a copy of an itemized receipt and a copy of the declaration and assignment allegedly deposited on 30 June 2000.

DISCUSSION

A review of the USPTO application file reveals that said declaration is not contained therein. To prove the timely filing of the declaration in response to the Notification of Missing Requirements, counsel provided an itemized receipt in the form of a transmittal letter, bearing a date-stamp "Filed JUN 30 2000". The letter indicates the submission of a declaration for 09/529,773. However, the date stamp on the itemized receipt does not conform with a USPTO date-stamp and appears to be a date-stamp affixed by the law firm to indicate the papers were filed.

The evidence submitted is insufficient to establish that the declaration for this application was received in the USPTO on 30 June 2000. Accordingly, it is inappropriate to accept the copy of the declaration as a replacement for the missing original declaration with a deposit date of 30 June 2000.

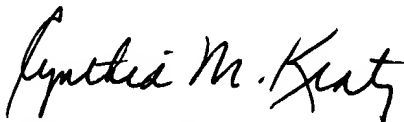
CONCLUSION

For the reasons stated above, the petition under 37 CFR 1.181 is **DISMISSED** **WITHOUT PREJUDICE**.

The application remains **ABANDONED**.

Any reconsideration on the merits of this petition should be entitled "Renewed Petition under 37 CFR 1.181".

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of the letter marked to the attention of the PCT Legal Office.



Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

CMK/cmk

Telephone: (703) 306-5467